

DEPARTMENTAL REGULATION		Number: 5160-4
SUBJECT: Display and Use of the Flag	DATE: June 12, 1997	
	OPI: Office of Procurement and Property Management	

1 PURPOSE

This Departmental Regulation is issued to provide procedures pertaining to the display and use of the flag of the United States of America; the flag of the Secretary of Agriculture; and the flag of the Department of Agriculture.

2 CANCELLATION

This regulation supersedes DR 5160-4, dated January 15, 1991.

3 AUTHORIZED FLAGS

There are three flags authorized for display within the Department: The flag of the United States of America, the flag of the Secretary, and the Departmental flag. No agency or office within the United States Department of Agriculture (USDA) is allowed to design or fly any other flag or pennant as a means of agency identification without written approval of such flag or pennant from the Director, Office of Procurement and Property Management (OPPM).

4 PROCEDURES FOR HALF-STAFFING THE FLAGS

a Occasions. Occasions for flying the flags at half-staff are described in Appendix A, Sections 3i and j.

(1) Requirement. The flags are to be flown at half-staff upon the death of certain persons. This information is condensed in Appendix A, Sections 3i and j.

(2) Other Circumstances. The Secretary of Agriculture is authorized to direct that the flags be flown at half-staff at Agriculture-controlled facilities other than those specified in Proclamation No. 3044, March 1, 1954, as amended by Proclamation No. 3948, December 12, 1969, or those operated by Agriculture under the building delegations program for which GSA has delegated this authority.

Physical Security and Environmental Branch (PSEB), Washington Area Service Center, Office of Operations will notify Agency Heads on occasions when this authority is exercised.

(3) The authority to fly the flags at half-staff is delegated to Agency Heads from the Secretary of Agriculture, 7 CFR Part 2, Section 2.8. The guidelines and procedures, as outlined in 36 U.S.C. 175(m), are to be followed. Agency Heads may choose to fly the flags at half-staff on special occasions.

Requests to half-staff the flags at specific sites for which Agriculture has responsibility or such sites within certain geographic areas upon the death of Federal, State, or local officials should be directed to Agency Heads or their designee for approval. Requests relating to GSA-controlled facilities should be addressed to the appropriate GSA Regional Administrator for approval and necessary action.

b Responsibility.

OPPM is responsible for disseminating departmental policy through this issuance. PSEB is responsible for notifying Agency Heads on occasions other than those specified in this issuance when the flags are to be flown at half-staff. Agencies are responsible for compliance with the provisions of this issuance at all field installations and for disseminating any further instructions or notifications

received from OPPM or PSEB to those agency activities affected.

c Notification.

(1) PSEB will notify Agency Heads of all occasions other than those specified in Appendix A, Sections 3i and j, when the flags are to be flown at half-staff.

(2) Agencies will disseminate the information contained in this issuance to all field activities which have facility management responsibility and establish internal notification procedures for ensuring compliance with half-staffing requirements. Agency procedures will address both duty and non-duty hours. Internal procedures should involve either:

(a) Agencies having facility management responsibilities will refer to Appendix A, Sections 3i and j, for specific occasions to fly the flags at half-staff. If this policy is to be implemented, procedures must be established for those activities to verify news received through radio, television, or other news media of occasions requiring half-staffing with pre-established contacts at Agency Headquarters; or

(b) Agencies will designate a central contact point to notify on each half-staffing occasion, other than specified in Appendix A, Sections 3i and j.

d Computation of Periods for Half-Staffing.

(1) When the number of days is specified.

(a) The day of death counts as the first day, even if the flags were not placed at half-staff that day because death occurred after the normal time to lower the flags for the day or notification was received too late to half-staff on that day.

(b) The flags must be flown each day for the specified number of calendar days, even

if they would not normally be flown on some of the days. This policy is applicable only if operating personnel normally scheduled to work are available to perform this function.

- (2) On the day of death and on the following day.
 - (a) If notification of death is received before the normal time to lower the flags for the day, the flags will be lowered to half-staff on that day and flown at half-staff on the following day.
 - (b) If notification is received too late to half-staff the flags on the day of death, the flags are flown at half-staff only on the day following death.
 - (c) If notification of death is received on a day that the flags are normally not flown, the flags must be flown at half-staff on that day and on the following day. However, if notification is received too late to half-staff the flags on the day of death, the flags are flown at half-staff only on the following day.
- (3) From the day of death until interment.
 - (a) If notification of death is received before the time the flags are normally lowered for the day, the flags must be lowered to half-staff on that day. The flags will also be flown at half-staff on each succeeding day, including the day of interment.
 - (b) If notification is received too late to half-staff the flags on the day of death, the flags must be flown at half-staff beginning the following day and on each succeeding day through the day of interment.
 - (c) If notification of death is received on a day that the flags are normally not flown,

the flags must be flown at half-staff on that day and on each succeeding day, including the day of interment. If notification is received too late to half-staff the flags on the day of death, the flags are flown at half-staff on the day following death and each succeeding day through the day of interment.

(4) Coincident occasions to Half-Staff.

If during a period when the flags are already at half-staff, notification of another death is received, half-staff period will run concurrently, not consecutively.

5 DISPLAY OF FLAGS AT DEPARTMENT OWNED AND OCCUPIED FACILITIES

a The United States Flag. Display of the flag of the United States of America will be in accordance with 36 U.S.C. 173-178. (See Appendix A). On all working days and on such other days as are specifically provided by law or proclamation, weather permitting, the flag will be displayed on or near all buildings controlled or occupied solely by the Department. Where the Department occupies two or more buildings on a single site or a military or naval reservation, the display of one flag on or near the main administration building is sufficient. Regulations governing the display of the flag at half-staff upon the death of specified public officials or former public officials is covered in Appendix A, Sections 3i and j.

b The Department of Agriculture Flag. The Department of Agriculture flag may be flown at facilities that are owned and occupied by USDA.

6 OFFICIAL FLAG OF THE SECRETARY OF AGRICULTURE

The official flag of the Secretary of Agriculture is the symbol of the rank of the cabinet office. It is to be displayed only in the Secretary's office or at departmental functions attended by the Secretary. When the Secretary is transported via vessel or automobile, a smaller version of the Secretary's

flag may be displayed on such vessel or automobile. Refer to Appendix B for an illustration and description of the Secretary's flag.

7 OFFICIAL FLAG OF THE DEPARTMENT OF AGRICULTURE

The flag illustrated and described in Appendix C is the official flag of the Department of Agriculture.

a Indoor Display. The official flag of the Department of Agriculture may be used at functions attended by the Deputy Secretary, the Under Secretaries, or Agency Heads, or at other locations with the approval of the Chief, Property Management Division, PPM. The Central Supply Stores in Washington, D.C., will carry a stock of indoor flags. Requests for an indoor flag shall be in writing and detail the specifics for request. Also, the request must be accompanied by a Form AD-14, Request for Supplies, Forms and/or Publications signed by the Agency Head or his/her designee.

b Outdoor Display. The official flag of the Department of Agriculture will be displayed at the Department headquarters in Washington, D.C. and at such other locations as may be approved by the Chief, Property Management Division, PPM. Requests for an outdoor flag shall be made in writing and detail the specifics for the request. Also, the request must be accompanied by a Form AD-14 signed by the Agency Head or his/her designee.

APPENDIX A

UNITED STATES FLAG

Laws pertaining to the display of the flag of the United States of America are published in the United States Code (36 U.S.C. 171-178). Only excerpts pertinent to Departmental use have been quoted.

1 DISPLAY AND USE OF FLAG BY CIVILIANS; CODIFICATION OF RULES AND CUSTOMS; DEFINITION (36 U.S.C. 173)

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for use by such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the United States. The flag of the United States of America, for the purpose of this chapter, shall be defined according to sections 1 and 2 of Title 4, United States Code and Executive Order 10824, issued pursuant thereto.

2 TIME AND OCCASIONS FOR DISPLAY; HOISTING AND LOWERING (36 U.S.C. 173)

- a It is the universal custom to display the flag from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.
- b The flag should be hoisted briskly and lowered ceremoniously.
- c The flag should not be displayed on days when weather is inclement, except when an all-weather flag is displayed.
- d The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Dr. Martin Luther King, Jr.'s Birthday, third Monday in January; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day,

third Saturday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veteran's Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

e The flag shall be flown at half-staff on Peace Officers Memorial Day, May 15 unless that day is also Armed Forces Day; Memorial Day (half-staff until noon only, then raised to the top of the staff), last Monday in May; National Korean War Veterans Day, July 27 (half-staff until the year 2003); National Pearl Harbor Day, December 7.

f The flag should be displayed daily on or near the main administration building of every public institution.

3 POSITION AND MANNER OF DISPLAY (36 U.S.C. 175)

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or if there is a line of other flags, in front of the center of that line.

a The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

b The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

c When flags of States, cities or localities, or pennants of societies are flown on the same halyard with the flag of the United States of America the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States of America should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States of America or the United States of America flag's right.

d When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

e When the flag of the United States of America is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When displaying either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left.

f When displaying other flags horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left.

g When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he/she faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

h The flag should form a distinctive feature in the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

i The flag, when directed by an Agency Head to fly at half-staff, must meet the following provisions:

(1) The flag will fly at half-staff for a period not to exceed one day.

(2) Flying the flag at half-staff symbolizes respect to the memory of a USDA individual(s) who died in the line of duty or the loss of life of a local individual(s) through an act of heroism.

(3) The lowering of the flag to half-staff can only be done in USDA controlled buildings or facilities.

(4) In a multi-tenant building complex or facility the lead agency must agree to fly the flag at half-staff.

j The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should again be raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff.

By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the Government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the flag of the United States of America shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President; ten days from the death of the Vice President, the Chief Justice or retired Chief Justice of the United States, or the Speaker or the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress.

As used in this subsection -

- (1) the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;
- (2) the term "executive or military department" means any agency listed under sections 101 and 102 of Title 5, United States Code; and
- (3) the term "Member of Congress" means a Senator, a Representative, a Delegate, or a Resident Commissioner from Puerto Rico.

4 RESPECT FOR THE FLAG (36 U.S.C. 176)

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

- a The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

b The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

5 CONDUCT DURING HOISTING, LOWERING OR PASSING OF THE FLAG
(36 U.S.C. 177)

During the ceremony of hoisting of or lowering the flag or when the flag is passing in a parade or in a review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart.

Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

6 MODIFICATION OF RULES AND CUSTOMS BY PRESIDENT (36 U.S.C.
178)

Any rule or custom pertaining to the display of the flag of the United States of America, set forth in sections 171 to 178 of Title 36, United States Code, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander-in-Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable and any such alteration or additional rule shall be set forth in a proclamation.